

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vijay Vaidyanathan et al.

Serial No. 10/082,884

Filed: 02/26/2002

Examiner: Bradley B. Bayat

Art Unit: 3621

For: **METHOD AND SYSTEM FOR AUTOMATICALLY DISTRIBUTING FEES,
INCLUDING A RESELLER COMMISSION, DURING A DIGITAL FILE
TRANSACTION**

Mail Stop Appeal Brief – Patents

Commissioner for Patents

PO Box 1450

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Sir:

A **REPLY BRIEF** is filed herewith in response to the Examiner's Answer having a mailing date of December 7, 2006. If any fees are required in association with this Reply Brief, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

REPLY BRIEF

A. Introduction

The Applicants respectfully submit that claims 1-42 are patentable over *Wolfe* in view of *Gervais*. In particular, neither reference, either alone or in combination, discloses or suggests all the features recited in claims 1-42. As such, these claims are patentable.

B. Argument

Claims 1-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wolfe* in view of *Gervais*. The Applicants respectfully traverse the rejection.

According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicants respectfully submit that neither *Wolfe* nor *Gervais*, either alone or in combination, disclose or suggest all the features recited in claims 1-42. More specifically, claim 1 recites a method for enabling electronic delivery of files comprising, among other features, maintaining a data repository which includes “business rules associated with each file that define electronic transfer of the files during commercial transactions.” Claims 15 and 29 include similar features. The Applicants respectfully submit that neither *Wolfe* nor *Gervais*, either alone or in combination, disclose or suggest a data repository, which includes business rules associated with a file. Further, neither *Wolfe* nor *Gervais* provide business rules that define the electronic transfer of the file during a commercial transaction. In maintaining the rejection, the Patent Office indicates that *Wolfe* discloses this feature at paragraphs [0018] and [0064] (See Examiner’s Answer, page 3). The Applicants respectfully submit that neither of these passages disclose or suggest business rules associated with a file or that the business rules define the electronic transfer of a file during a commercial transaction. In fact, nowhere does *Wolfe* disclose or even suggest this feature. Similarly, *Gervais* does not disclose or suggest this feature.

Claim 1 also recites retrieving from a data repository “the business rules associated with the file identified in the RURL” in response to a second user clicking on a link to download a file. Claims 15 and 29 include similar features. The Applicants submit that neither *Wolfe* nor *Gervais*, either singularly or in combination, disclose or suggest retrieving business rules associated with a file in response to a user clicking on a link to download the file. As detailed above, none of the cited references disclose or suggest business rules associated with a file.

Therefore, it follows that neither reference can disclose or suggest retrieving business rules that are associated with a file.

Claim 1 also recites retrieving the business rules "to customize the download of the file to the second user." Claims 15 and 29 include similar features. The Applicants respectfully submit that neither *Wolfe* nor *Gervais*, either singularly or in combination, disclose or suggest retrieving business rules to customize downloading a file to a second user. As mentioned above, neither reference discloses or suggests business rules. As such, neither reference can disclose or suggest business rules to customize the download of a file to a second user. Accordingly, for this reason and the reasons noted above, claims 1, 15, and 29 are patentable over the cited references. Likewise, claims 2-14, 16-28, and 30-42, which depend from claims 1, 15, and 29 respectively, are patentable for at least these reasons and the novel features recited therein.

C. Conclusion

As detailed above, neither *Wolfe* nor *Gervais*, either singularly or in combination, disclose or suggest all the features recited in claims 1-42. Specifically, none of the cited references disclose or suggest business rules that are associated with each file where the business rules define electronic transfer of each file during commercial transactions. In addition, neither reference, either alone or in combination, discloses or suggests retrieving business rules associated with a file to customize the download of the file. Therefore, claims 1-42 are patentable over *Wolfe* in view of *Gervais*.

Respectfully submitted,

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